IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

WEDMESDAY THE FOURTH DAY OF JANUARY

TWO THOUSAND AND SIX

PRESENT :

THE HON'BLE MR. JUSTICE : **BILAL NAZKI**

AND

THE HON'BLE MR. JUSTICE : **DESARAJU APPARAO**

WRIT PETITION No. **26493 of 2005**

Between:

1. M/s Maruthi Saree Mandir rep by its Partner G. Srinivas R/o Balaji Textile Market, Shop No. 90-93, Cantonment, Vizianagaram.
2. M/s Bharat Sybthetics rep by its Prop. Omprakash Choudary R/o Balaji Textile Market, Shop No. 77, Cantonment, Vizianagaram.
3. M/s Jai Mahhaveer Handlooms rep by its Prop. Amit Kumar Jain R/o Balaji Textile Market, Shop No.169, Cantonment, Vizianagaram.
4. M/s J.K. Cloth Stores rep by its prop. Nischal Jalan R/o Balaji Textile Market, Shop No. 146-147, Cantonment, Vizianagaram.
5. Ms M. Anoopchand & Co., rep by its Partner Gouthamchand Jain R/o Balaji Textile Market, Shop No. 112, Cantonment, Vizianagaram.
6. M/s Hanuman Textiles rep by its Prop. S. Palniv Chand R/o Balaji Textile Market, Shop No. 97, Cantonment, Vizianagaram.
7. M/s Sri vijayakumar Vastralayam rep by its Mg. Partner P.V. Rama Rao R/o Balaji Textile Market, Shop No. 122-123, Cantonment, Vizianagaram.
8. M/s S. Pasupathy & Sons, rep by its Partner t. dhanasekharan R/o Balaji Textile Market, Shop No. 28, Cantonment, Vizianagaram.
9. M/s Sri Gowri Shankar Textile Agencies, rep by its Prop. K.L. Mohan Rao R/o Balaji Textile Market, Shop No. 63, Cantonment, Vizianagaram.
10. M/s Jai Hanuman Tex, rep by its Prop. P. Gopal Krishnan, R/o Balaji Textile Market, Cantonment, Vizianagaram.
11. M/s Omkar Handlooms rep by its Partner S. Mohan, R/o Balaji Textile Market, Shop No. 102, Cantonemnt, Vizianagaram
12. M/s ParasTextiles rep by its Prop. B. Shantilal, R/o Balaji Textile Market, Shop No. 188, Cantonment, Vizianagaram.

…Petitioners

AND

1. The Government of A.P., rep by its Special Chief Secretary, Revenue (CT-II) Secretariat, Hyderabad
2. The Commissioner, A.P. Commercial Taxes Department, Hyderabad
3. The Deputy Commercial Tax Officer, Vizianagaram.

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the respondent authorities in implementing the GOMS. No. 1564, Revenue (CTII), dated 17-08-2005 against the petitioners and the notice Rc.

NO. 109/2005 CTI-11, dated 23-11-2005, issued by the 3rd respondent, as arbitrary, illegal, null and void and to set a side the same as the same is contrary to the section 7, Schedule I of the VAT ACt, 2005 and to issue a consequential direction to the respondent authorities that the said GOMS. No. 1564 is not applicable to the dealers in cloth merchants.

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,…2…

The petition coming on for hearing, upon perusing the petition and the affidavit filed therein and upon hearing the arguments of Mr. Venkateswara Rao Gudapati Advocate for the petitioner and of G.P for Commercial Taxes for R1 to R3 and the court made the following

ORDER:

"The Petition is being treated as a Writ Petition filed by the 1st Petitioner. Other Writ Petitioners i.e., Writ Petitioner Nos 2 to 12 are at liberty to file Fresh Petitions. Counter shall be filed in this Writ Petition within Three weeks from today. In the meantime, coercive steps be not taken against the 1st Petitioner. "

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Special Chief Secretary, Revenue (CT-II) Secretariat, Government of A.P Hyderabad
2. The Commissioner, A.P. Commercial Taxes Department, Hyderabad
3. The Deputy Commercial Tax Officer, Vizianagaram.
4. Two CC's to G.P for Commiercial Taxes, High Court of A.P., Hyderabad
5. Two Spare Copies

Skm

HIGH COURT

BN,J & DAR,J

DATED: 04-01-2006

ORDER

W.P.NO. 26493 OF 2005

DIRECTION

Skm
Drafted on: 06-01-2006

HIGH COURT

BN,J & DAR,J

DATED: 04-01-2006

ORDER

W.P.NO. 26493 OF 2005

DIRECTION